

Catawba County Board of Commissioners
Regular Session, Monday, October 6, 2008, 9:30 a.m.

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The Catawba County Board of Commissioners met in regular session on Monday, October 6, 2008 at 9:30 a.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes and Commissioners Dan Hunsucker, Glenn Barger and Barbara G. Beatty.

Vice-Chair Lynn Lail was absent.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Lee Worsley, Assistant County Manager Dewey Harris, County Attorney Debra Bechtel, Deputy County Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes called the meeting to order at 9:30 a.m.
2. Commissioner Barbara Beatty led the Pledge of Allegiance to the Flag.
3. Commissioner Glenn Barger offered the invocation.

Chair Barnes then made a statement regarding the national events which had occurred since the last Board of Commissioners meeting and stated how fortunate we were to be living in Catawba County and the stability it offered.

4. Commissioner Glenn Barger made a motion to approve the minutes of the Regular Meeting and Closed Session of Monday, September 15, 2008. The motion carried unanimously.
5. Recognition of Special Guests: Chair Barnes welcomed everyone present and specifically Sheriff Huffman, District Attorney Gaither, Police Chief Tom Adkins, Major Coy Reid, Newton-Conover School Board member Betty Coulter, Maiden Principal Nan VanHoy.
6. Comments for Items not on the Agenda. None.
7. Presentations:
 - a. All the Board members came forward to presented a Distinguished Public Service Award to Deputy Sheriff Tammy Johnson, who was recently named National School Resource Officer of the Year by the National Association of School Resource Officers. The award recognizes Deputy Johnson's commitment to ensuring the safety of the students and staff at Maiden Middle School and her work to promote good character traits, excellent behavior, good attendance and passing grades in the students at the school.
 - b. All the Board members presented a Distinguished Public Service Award to Deputy Sheriff Dennis Smith, recipient of the 2008 American Police Canine Association's President's Award, in recognition of his continuing efforts to enforce drug interdiction laws, which resulted in the seizure of over \$100,000 in drugs and cash from September 2007-July 2008.
8. Public Hearing:

Jacky Eubanks, Director of Planning, Parks and Development requested the Board conduct a public hearing and approve a request to amend the County's 2006 Community Development Block Grant Scattered Site Housing Grant, to replace two targeted beneficiaries who have withdrawn from the program and add one new beneficiary. The County was awarded a \$400,000 Scattered Site Housing Grant Program in 2006 to rehabilitate seven homes and construct one new home in the county. The beneficiary amendment change replaces two of the targeted applicants in the original 2006 application with one new applicant. One of the applicants is no longer qualified for the program, because they owe back taxes to the County. In order to be eligible for this program, all County tax payments must be current. The other applicant being replaced had to move out of her home into a nursing home.

The County will not be able to complete eight houses as originally planned, due to the increasing costs of construction materials. To date, two houses have been completed, three are under, or will be under, contract soon, one application is still pending and one application would be processed if this amendment is approved, for a total of seven houses. If funds are available after these five houses are rehabilitated and time allows, another house may be targeted for rehabilitation. No one spoke for or against this change at this public hearing. Commissioner Beatty made a motion to approve the amendment. The motion carried unanimously.

9. Appointments.

These recommendations came in the form of a motion. The motion carried unanimously. Chair Barnes presented a recommendation for Commissioner Lynn Lail who was absent for the appointment of Reverend Justin Kane for a first term on the Nursing and Rest Home Advisory Board. Reverend Kane's term will expire on October 6, 2009. Chair Barnes then recommended Lorraine Rohr for an unexpired term to the Juvenile Crime Prevention Council to succeed Kathy Isenhour as the Hickory Schools Designee. Ms. Rohr's term will expire on June 20, 2010. She also recommended the reappointment of John Eldridge for a fourth term on the Hickory Regional Planning Commission. This term will expire on June 30, 2011. Chair Barnes recommended the appointment of following individuals to serve on a newly established Parks Advisory Committee upon Chair Barnes recommendation. These appointments will be for staggered terms: One year terms – Dave Hardin, Monroe Pannell, Robert Crouch and Charles Connor; two year terms –

Deborah Buchan, Paul Beatty, Thomas Jones and Eric McCombs and three terms – Gary Hogue, Phil Piaski and Wilton Scronce. These recommendations came in the form of a motion. The motion carried unanimously.

10. Consent Agenda:

County Manager J. Thomas Lundy presented the following five items on the consent agenda:

a. A request for an increase in Home Health fees requested by the Catawba County Board of Health. North Carolina's Home Health Medicaid Rates increased as of September 1, 2008. Due to this increase, Catawba County Home Health has been advised by Larson Allen LLP, the County's Home Health cost accounting consultant, to increase County fees to bring them level with or above the Medicaid rates. Skilled Nursing, Physical Therapy, Occupational Therapy and Speech Therapy fees will increase by \$4 and the Home Health Aid fee will increase by \$5.

b. A request to allocate insurance funds received for two wrecked patrol vehicles, totaling \$40,346, so the Sheriff's Office may purchase two replacement vehicles. A 2007 Ford Crown Victoria was totaled on April 11, 2008 when an officer swerved to avoid an oncoming vehicle, which illegally entered the lane to pass a vehicle stopped for the blue lights and siren. Insurance paid \$30,449.55 for the Crown Victoria. A 2005 Chevrolet Impala was totaled on May 27, 2008 when it was unattended and rolled into Lake Hickory. Insurance paid \$9,896.49 for the Impala. The total of \$40,346 paid on these claims was added to the County's Self-Insurance Fund. The officers who drove these vehicles are currently assigned spare cars with very high mileage. Allocation of these insurance funds will provide the Sheriff's Office with enough money, along with funds already in the department's budget, to purchase one replacement vehicle and full patrol equipment including digital camera, roll bar cage, lights, siren and decals. The second vehicle will be an electric vehicle and would be used by a deputy at CVCC's East Campus to patrol the campus and parking lot.

c. A request to accept and appropriate Help America Vote Act grant funds in the amount of \$23,600 from the North Carolina Board of Elections for one-stop voting operations and additional equipment. Due to the expected heavy voter turnout during the November 2008 General Election, the North Carolina Board of Elections made available one-stop site operations grants for all 100 North Carolina counties. The Catawba County Board of Elections has been awarded a grant in the amount of \$23,600. The grant will provide operating funds to open a one-stop voting site at the Southwest Library for eleven days, and additional equipment to the other sites, and will cover 100% of the cost of operating the Southwest Library precinct. As more citizens became aware of this and the County's three other one-stop sites during the May Primary, County officials expect heavier voter turnout at these one stop precincts for the November election.

d. A request to approve a revision to the County's Personnel Code, Section 28-197, regarding annual leave. The revision will allow an employee to transfer annual leave hours over 240, as of their last day prior to retirement, to sick leave regardless of the month in which they retire. This will benefit some retiring employees but will not result in any cost to the County. Catawba County Personnel Code Section 28-197 provides for employee leave benefits. Annual leave benefits are commonly known as vacation leave. Employees who work 20 hours a week or more every week earn annual leave on a pro-rated basis, depending on the number of hours scheduled to work. During a calendar year, employees accrue annual leave. The maximum number of annual leave hours that will be carried over to another calendar year is 240. Any hours over 240 are added to the employee's sick leave balance.

North Carolina's Local Government Retirement System allows a sick leave credit, which is counted towards eligibility for retirement or helps build creditable service. If an employee has more than 240 annual leave hours on December 31, the hours over 240 are transferred to sick leave, and if the employee is retiring on January 1, this helps with retirement. If an employee has more than 240 hours annual leave during any other month, and retires during the next month, the employee currently loses the annual leave time. Prior to this change, many employees who are retiring in this situation have to take time off to reduce hours to 240 or below before retirement. This may cause some workload or training issues for a given department. This policy change becomes effective immediately. The ordinance would read as follows:

ORDINANCE NO. – 2008-13

BE IT ORDAINED that the Catawba County Code of Ordinances, Chapter 28 Personnel, Article VI. Employee Benefits and Services, Section 28-197 Annual Leave, is hereby amended to read as follows:

Sec. 28-197. Annual leave.

Annual leave is a benefit. Department heads have the right to deny time off when the needs of the county so require.

(a) *Leave year.* For the purpose of earning and accruing annual leave, the 12-calendar-month period between January 1 and December 31 is established as the leave year for the county.

(b) *Annual leave earned.* Each full-time permanent, probationary, or trainee employee occupying an officially budgeted position shall earn annual leave on a monthly basis in accordance with the following schedule of total service:

TABLE INSET:

Years	Hours Month	Annual
Less than 2 years	6.666	80
2 but less than 5	8	96
5 but less than 10	10	120
10 but less than 15	12	144
15 or more	14	168

(a) Procedures. Annual leave procedures are as follows:

(1) Annual leave earned by an employee shall be taken only upon prior approval of the employee's supervisor. However, an annual leave request of an emergency nature must be made by the employee and approved by the supervisor within 30 minutes of the beginning of the workday or shift.

(2) Annual leave may be taken in units of quarter hours.

(3) Annual leave shall be transferred to sick leave with notice to the department head, when sick leave has been exhausted.

(4) (a) Annual leave accruals in excess of 240 hours for all employees shall transfer automatically to sick leave on December 31 of each year.

4 (b) When an employee retires from the County, any hours over 240 shall transfer automatically to sick leave on the last day of the month prior to retirement.

(5) When annual leave had been exhausted, the granting of leave without pay is at the discretion of the department head. Leave without pay shall be deducted from the employee's pay on a two-week-pay-period basis. See section 28-116 pertaining to leave without pay.

(6) Annual leave shall not be advanced to any employee.

(7) If an employee separates from employment when leave without pay had been approved, the employee's final paycheck shall be reduced proportionately.

(8) A maximum of 240 hours accrued annual leave for all employees will be paid upon separation from county service when the employee gives notice of separation as specified in section 28-155. Leave will be compensated by separate payment in the pay period following the employee's final regular pay period.

(9) An employee who is involuntarily separated without fault shall be paid for all accrued annual leave not to exceed a maximum of 240 hours.

(10) An employee who is terminated for cause or who does not submit the required three-week notice of separation shall not be compensated for accrued annual leave.

(11) An employee who must retire due to a disability may transfer annual leave to sick leave and exhaust all leave prior to the effective date of separation.

- (12) An employee may take annual leave with approval of the supervisor up to and including the date of separation.
 - (13) An employee retains active employment status during a period of annual leave up to and including the date of separation.
 - (14) Upon the death of a permanent employee, compensation for accumulated leave shall be paid to the employee's estate or designated beneficiary.
 - (15) Holidays or regularly scheduled days off which occur during a period of annual leave shall not be charged as annual leave.
 - (16) It shall be the responsibility of the personnel director to maintain a record of annual leave on each employee, which shall be responsibility of each supervisor to provide in a timely fashion.
 - (17) An employee who has resigned or been subject to a reduction in force may request the time be transferred to a new employer, if that employer allows the transfer of accrued vacation. This request shall be made in writing prior to the last date of employment with the county.
- (Ord. No. 2003-19, 10-6-2003; Ord. No. 2005-04, 3-21-2005)

Editor's note: Employees earning annual leave at a rate of 16 hours per month as of July 1, 1989, were given the option to make a one-time-only election to reduce annual leave accrual to 14 hours per month and to increase their sick leave accrual to ten hours per month. A salaried employee working less than 40 hours per week (four-fifths, one-half, or other) and occupying an officially budgeted position with benefits shall earn annual leave on a pro rata basis based upon the category of the employee (four-fifths, one-half, or other). Example: A half-time employee with two years of service would earn five percent of the leave which would be earned by a full-time employee with two years of service.

This the 6th day of October, 2008.

Chair Barnes asked if any Commissioner wished for an item or items to be removed from the consent agenda and considered individually. None were requested. Commissioner Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

11. Departmental Reports:

a. Planning, Parks and Development:

Jacky Eubanks, Director of Planning, Parks and Development presented a request for the Board to approve a budget transfer in the amount of \$30,000, from the Catawba County Parks Trust Fund, for completion of the St. Stephens Park renovation project. The nine-acre St. Stephens Park was created in 1979 and developed by a \$75,000 Land and Water Conservation Fund (LWCF) Grant provided to the County. This facility was operated by the City of Hickory from 1980 until it was closed by the City in 2005 due to the need for extensive repairs to a swimming pool at the park, with a cost estimated by the City of Hickory at \$300,000. In September 2007, County staff began planning the renovation of the site, filling in the swimming pool and changing the park from an "active" to a "passive" facility. The facility must be renovated and operating in order to comply with the contract and terms of the LWCF grant and achieve eligibility for future state or federal grant funding.

The original budget appropriated to convert this park from an active recreation center to a passive park was \$180,000. Due to dramatic increases in construction costs, the original architect's estimate of approximately \$80,000 for structural renovations was exceeded by \$54,465 in the lowest bid submitted. The contract for renovations was awarded to the lowest bidder, Moss Marlow Building Company, Inc., for \$134,465. Although the original budget can absorb the significant cost increase for this renovation, the increase strains the County's ability to make other necessary improvements called for in the LWCF grant requirements. It also does not take into account the replacement of a roof, or contingencies or any additional change orders that might be necessary. Funds needed for this budget amendment are available in the Parks Trust Fund through fees totaling \$33,797 collected from developers in lieu of their reserving natural space in various development projects. This revenue was not anticipated and has not been built into the current fiscal year Capital Improvement Plan, nor has it been earmarked for an upcoming grant project. The estimated balance remaining in the Parks Trust Fund after this transfer of \$30,000 will total \$106,013.

Several factors are responsible for the increased construction cost. The dramatic increases in petroleum and petroleum products have affected all sectors of the construction industry and the economy in general. Steel and stone prices are increasing almost weekly. The existing bathhouse roof must be replaced and was not a part of the original project estimate provided by the architect. The existing picnic shelter could not be renovated as a result of extensive water damage and deterioration and must be totally reconstructed using only the existing masonry and concrete work.

The Board of Commissioners appropriated \$180,000 from the County's Parks Trust Fund on January 22, 2008 to complete the renovation project. In February 2008, County staff applied for a North Carolina Parks And Recreation Trust Fund (PARTF) Grant in the amount of \$53,250 to assist with park renovations. The County has since received letters from the United States Department of the Interior approving the removal of the swimming pool and conversion to a passive park, and from the North Carolina Division of Parks and Recreation acknowledging the federal government's approval of the conversion. On August 4, 2008, staff was informed that the County did not receive the PARTF Grant for the St. Stephens Park conversion. In August 2008, an informal construction contract was awarded to the lowest bidder, Moss Marlow, for \$134,465. All other elements of the project have been in the range of the originally estimated project budget.

In an effort to offset the increased construction costs, staff has minimized all other required project elements necessary to achieve compliance with the LWCF contract. A proposed trail has been shortened and narrowed. Park staff are constructing the required trail, performing all rough grading "in house" and installing 400 tons of stone trail surfacing. The size of a proposed dog park has been reduced. Educational landscaping will be installed in phases over the next few years using volunteers. Park staff will perform renovations to an existing playground. These efforts by County staff have reduced the overall project cost significantly when compared with the cost to contract the work with an outside vendor.

The \$30,000 appropriated is necessary to offset increased construction costs, complete the project and meet the minimum requirements to comply with the LWCF grant and contract.

Supplemental Appropriation

270-440022-995410	\$30,000
Transfer to General Capital Projects	
270-440022-690100	\$30,000
Fund Balance	
410-460100-988000-18019	\$30,000
St. Stephens	
410-460100-695270	\$30,000
Transfer from Parks Preservation & Trust Fund	

Commissioner Glenn Barger made a motion to approve this budget transfer. The motion carried unanimously.

b. Utilities and Engineering

Jack Chandler, Public Services Administrator, presented a request for the Board to adopt a Water and Sewer Extension Policy for non-profit entities, for water and sewer extensions that are not subject to the Catawba County Code Chapter 42: Article II, Division 2 and Article III, Division 2. The policy is structured to address requests for water and sewer extensions not required by Chapter 42 of the County Code, which addresses extensions and connections for contaminated water sources, new development, or new construction within specific distances of an existing utility line. The policy addresses extensions not subject to the Chapter 42 extension requirements, but are requests for water or sewer service which typically requires an extension to reach the entity requesting service. These requests are often spurred by development and construction of other projects by the County that bring water or sewer lines into an area but are not immediately serving the entire area.

In the past, these requests have been addressed in differing ways. In order for future requests to be addressed in a uniform and consistent manner, staff developed the policy with very specific guidelines, as follows: (1) proof of non-profit status must be submitted with petition. Proof may be in the form of a petitioner's 501c(3) documentation or other similar documentation; (2) the water and/or sewer line extension being requested is included in or directly connected to projects in the County's current 8-year Capital Improvement Plan (CIP) ; (4) the water and/or sewer line extension being requested is not subject to County Code Chapter 42: Water and Sewer, Tables 1, 2, 3 or 4 requirements for utility extensions and connections; (5) the requested extension is no more than 1,320 feet in length; (6) the County's financial share is no more than 50% of the total cost of the extension, including engineering; (7) the petitioner(s) sign a cost sharing agreement with the County, agreeing to make full payment of their agreed upon share of the total cost of the extension prior to the award of a contract for construction of the extension; (8) the requested water and/or sewer line extension will be located within North Carolina Department Of Transportation (NCDOT) or other appropriately established rights-of-way or easements, with any rights-of-way or easements outside of established NCDOT rights-of-way to be acquired by the petitioner(s) prior to the award of contract for construction; (9) the Water and Sewer Enterprise Fund has sufficient fund balance to support the County's portion of the cost of the extension; (10) by funding the County's portion of the cost of the extension, the fund balance in the County's Water and Sewer Enterprise fund remains sufficient to fully fund years 1 through 3 of the current 8-year CIP and meet the required minimum balance of the fund; (11) the water and/or sewer line extension being requested must not negatively affect any grant applications; and (12) the water and/or sewer line extension being requested must meet all local, federal, and state laws and regulations. Petitioners must be aware that meeting all of these conditions does not guarantee project approval. All projects must be approved by the Board of Commissioners.

Commissioner Beatty made a motion to approve the policy. The motion carried unanimously. County Manager J. Thomas Lundy thanked Commissioner Beatty for initiating the development of this policy.

12. Other Items of Business: None

13. Attorneys' Report. None

14. Manager's Report.

County Manager J. Thomas Lundy presented a report on a justice system review conducted by TechSolve, a local government consulting firm, and a request to instruct the County Manager to work with the chief judicial officials serving the county to implement the recommendations of the report and authorize the County Manager to hire or contract staff to work full time at the Justice Center on the implementation of the report recommendations.

In 2007, Catawba County voters approved a quarter cent sales tax, part of which will be dedicated to facility expansion of the Catawba County Justice Center and other public safety building needs. Catawba County currently has a space consultant working to produce a plan to address court and ancillary space. As the County plans for needed physical space, however, it is also important to evaluate the current court process and ways to improve how business is done for the benefit of the different judicial offices; the public who are clients; and taxpayers.

In November 2007, Catawba County Manager J. Thomas Lundy convened a group consisting of Superior Court Judges Tim Kincaid and Nathan Poovey, Chief District Court Judge Bob Brady, District Attorney Jay Gaither, Sheriff David Huffman, Clerk of Court Al Jean Bogle, and County Attorney Debra Bechtel. The group agreed on the value of a study and identified several issues, as follows: how to maximize the use of existing courtrooms; identifying areas where technology could make improvements; other safe ways to implement alternatives to incarceration; conducting regular triage of the jail population for case disposition; speedier trials for inmates to reduce pre-sentence jail time; improving efficiency of moving the jail population into courtrooms when needed; better tracking of individuals who are incarcerated; alternatives to holding court when courtrooms are full; efficient scheduling of specialized courts; docket control; case management plans and exploring the

unique system of having separate courtroom facilities in Newton and Hickory and whether that system continues to make sense or, in the alternative, is the most logical use of the secondary courthouse in Hickory.

TechSolve made three visits meeting with the judicial officials and observed the court process. They also met with Hickory Police Chief Tom Adkins, Mental Health Partners Director John Hardy (who had done work on jail alternatives), Chief Information Officer Terry Bledsoe, Repay, magistrates and some attorneys.

The TechSolve report included 41 recommendations. These were reviewed at two separate meetings, the first with the primary members of the study and the second with other chief judicial officials, Commissioners Beatty and Lail, other district court judges and representatives of the bar association. Changes were made to the report based on those August 21 and 22 meetings.

TechSolve has now finalized its report and the report is ready for consideration by the Board of Commissioners. A copy of the final report has been provided to the chief judicial officials and they have been made aware of the October 6 presentation and have been invited to attend. Each of the chief judicial officials has committed to work as a group toward the implementation of the recommendations.

County Manager Lundy clarified that he was asking the Board to accept the report but not specifically adopt all the recommendations in the report because flexibility was important. He noted every one of the recommendations may not be carried out but it would have to be decided what the top priorities are and where the biggest bang for the buck would be achieved. He also noted that the format of some of the recommendations could change over time in that other ways to address the same problem could be identified. He said it was safe to say than nobody saw this as the end-all, be-all for the court system but it was a step in the right direction.

Mr. Lundy invited the judicial officials' comments on this effort.

Judge Brady stated in his experience he knew how difficult it was for County Commissioners to meet both the needs of the public and also look out for the funds and resources available. He appreciated the Board's willingness to look at the court system and its structure and the process. He stated the dire need for more courtroom space and to make the process more efficient and safe.

Clerk of Court Al Jean Bogle wanted to re-emphasize the need for hiring a staff person who would be responsible for ensuring accountability of implemented recommendations from the TechSolve report. She stated everyone in the court system is an elected official and they all have separate duties and responsibilities and it would be beneficial to both the County and the court system to have a person who is hired by the County who would be responsible to the Board of Commissioners to see that the recommendations are implemented and that the judicial officials carry them out. Someone was needed to report to because without that, those officials are bogged down in their everyday personal responsibilities and the implementation of these recommendations would get lost.

District Attorney Jay Gaither talked about the volume of cases facing the courts and the serious problem caused by limited space. He stated that the TechSolve report did not represent a consensus of the group and though he did not disagree with anything in the report, he did not agree with everything in it either.

He thought that the possibility of an alternate site for civil court should be considered because criminal court was not running as efficiently as it might. He further stated it was going to cost \$25-30 million to carry out the suggestions set forth in the report in comparison to what it would cost to buy another structure and have civil court operate there. He thought that others might have arguments against this mainly because of efficiency concerns but he believed monetary concerns were the issue because he thought the costs would be significantly different.

Commissioner Beatty complimented all involved and made a motion to accept the report, instructed the County Manager to work with all parties to implement the recommendations in the report and authorized him to contract or hire staff to work full time at the Justice Center on the implementation of the report recommendations. The motion carried unanimously.

15. Adjournment: Chair Barnes adjourned the meeting at 10:20 a.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk